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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,228	07/17/2006	Giuseppe Bordignon	6706/005	7990
22440	7590	09/18/2008	EXAMINER	
GOTTLIEB RACKMAN & REISMAN PC			DONDERO, WILLIAM E	
270 MADISON AVENUE				
8TH FLOOR			ART UNIT	PAPER NUMBER
NEW YORK, NY 10016-0601			3654	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/597,228	BORDIGNON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	WILLIAM E. DONDERO	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 11-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 July 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/02/2006</u> .  | 6) <input type="checkbox"/> Other: ____ .                         |

## DETAILED ACTION

### ***Specification***

The disclosure is objected to because of the following informalities: claims should not be referred to in the Specification, therefore, the phrases, “characteristics as in claim 1” on page 5, line 8 and “characteristics of claim 8” on page 5, line 11 should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-12 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moslener (US-3945585). Regarding Claim 11, Moslener discloses a device of coiling a long product 9 comprising a mandrel 2 with a substantially cylindrical shape and rotating around its own axis, and a containing element 6 coaxial with the mandrel, rotating together therewith and defining a front wall 10 to contain the coil of product to be formed, wherein the mandrel comprising a forming zone (surface of 2) for at least a first spiral 9a of the coil, wherein the containing element comprises an annular channel (between 11 and 2) to clamp the leading end of the product around the mandrel, and wherein the containing element is axially moveable with respect to the mandrel between a first position (top of the figure) in which the leading end of the

product is inserted and the annular channel is arranged in correspondence with the forming zone, and a second position (bottom of the figure) in which the coil of product is completed and the annular channel is displaced from the forming zone, the containing element remaining in the first position temporarily and the second position being retracted with respect to the mandrel so that the annular channel is outside the space occupied by the coil during completion of the coil (Figure 1). Regarding Claim 12, Moslener discloses the containing element includes an axially sliding inner surface 11 which allows the containing element to slide axially between the first and second position (Figure 1). Regarding Claim 16, Moslener discloses a lateral wall 18 of the annular channel is parallel to the front wall of the containing element, at least the first spiral of the product being able to abut against the lateral wall (Figure 1). Regarding Claim 17, Moslener disclose the lateral wall is made in the form of an annular tooth attached as an integral part of the mandrel (Figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moslener (US-3945585) as applied to claims 11-12 and 16-17 above, and further in view of Bordignon et al. (US-6318660). Regarding Claim 13, Moslener is silent about a guide and containing device being provided to be driven between a first working position

in which the guide and containing device cooperates with the containing element, and a second inactive position in which the guide and containing device is arranged distant from the containing element. However, Bordignon et al. disclose a device 10 for coiling a long product comprising a mandrel 25 with a substantially cylindrical shape and rotating around its own axis, and a guide and containing device 39,40 being provided to be driven between a first working position (Figure 2) in which the guide and containing device cooperates with a containing element (channel between bottom of 24 and surface of 25), and a second inactive position (Figure 3) in which the guide and containing device is arranged distant from the containing element (Figures 1-3). It would have been obvious to one of ordinary skill in the art to add the guide and containing device of Bordignon et al. to the device of Moslener to assist in guiding the long product into the containing element as taught by Bordignon et al.

Claim 14-15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moslener (US-3945585) as applied to claims 11-12 and 16-17 above, and further in view of Kogos et al. (GB-1367513). Regarding Claims 14-15, Moslener is silent about clamping means associated with the mandrel are provided to clamp at least temporarily the leading end of the product and the clamping means comprising pincer means able to be selectively activated, and arranged in correspondence with the forming zone of the mandrel. However, Kogos et al. disclose a device for coiling a long product 30 comprising a mandrel 4 with a substantially cylindrical shape and rotating around its own axis, clamping means 14 associated with the mandrel are provided to clamp at least temporarily the leading end of the product, and the clamping means comprising

pincer means 15 able to be selectively activated, and arranged in correspondence with a forming zone (surface of 4) of the mandrel (Figures 1-4). It would have been obvious to one of ordinary skill in the art to add the pincer means of Kogos et al. to the device of Moslener to further secure the leading end of the product as taught by Kogo et al.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moslener (US-3945585) in view of Bordignon et al. (US-6318660). Regarding Claims 18-19, Moslener discloses a method for coiling a long product achieved by means of a device that comprises a mandrel 2 with a substantially cylindrical shape and rotating around its own axis, and a containing element 6 coaxial with the mandrel, rotating together therewith and defining a front wall 10 to contain the coil or product to be formed, the method comprising a first step wherein a leading end 9a of the product is guided to a position substantially tangent to a determinate forming zone (surface of 2) of the mandrel, the first step occurring while the containing element is in a first position (top of figure) for the insertion of the leading end of the product, substantially in correspondence with the determinate forming zone of the mandrel; a second step wherein the leading end of the product is introduced into an annular channel (between 11 and 2) of the containing element, a third step wherein at least the first spiral of the product is formed inside the containing element around the mandrel; and a fourth step wherein the containing element is displaced axially with respect to the mandrel to a second position for completion of the coil of product, in which second position the annular channel is displaced from the forming zone, in a retracted position with respect to the mandrel so that the annular channel is outside the space occupied by the coil

during the completion of the coil (Figure 1; and Column 4, Lines 4 - 58). Moslener is silent about in the first step a guide and containing device guiding the leading end and during the fourth step, the guide and containing device is distanced from the mandrel. However, Bordignon et al. disclose a method for coiling a long product around a mandrel comprising in the first step a guide and containing device 39,40 guiding the leading end to a containing element (channel between bottom of 24 and surface of 25) and during the last step, the guide and containing device is distanced from the mandrel (Figures 1-3 and Column 4, Line 58 – Column 6, Line 2). It would have been obvious to one of ordinary skill in the art to add the guide and containing device of Bordignon et al. to the device of Moslener to assist in guiding the long product into the containing element as taught by Bordignon et al.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moslener (US-3945585) in view of Bordignon et al. (US-6318660) as applied to claims 18-19 above, and further in view of Kogos et al. (GB-1367513). Regarding Claim 20, Moslener in view of Bordignon et al. is silent about between the second and the third step clamping means able to keep the leading end of the product stationary with respect to the mandrel are temporarily driven. However, Kogos et al. disclose a method of coiling a long product 30 around a mandrel 4 comprising a intermediary step in which clamping means 14 able to keep the leading end of the product stationary with respect to the mandrel are temporarily driven (Figures 1-4 and Page 2, Line 105 - Page 3, Line 27). It would have been obvious to one of ordinary skill in the art to add the clamping

means of Kogos et al. to the device of Moslener in view of Bordignon et al. to further secure the leading end of the product as taught by Kogo et al.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on Monday through Friday 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. E. D./  
Examiner, Art Unit 3654  
/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3654